

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 04-30019-MAP
	)	
ROBERT KNOWLES,	)	
Defendant.	)	
	)	

**GOVERNMENT'S RESPONSE TO THE DEFENDANT'S MOTIONS FOR DISCOVERY**

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully submits its response to the Defendant's motions for discovery.

1. Motion for Disclosure of 3500 Material (Dkt. #17)

The Government has provided, or will provide in accordance with the schedule set forth by the trial judge, all relevant statements as defined by 18 U.S.C. §3500(e) and Fed. R. Crim. P. 26.2(f).

2. Motion for Rule 404(b) Evidence (Dkt. #16)

The Government will provide notice of "other crimes, wrongs, or bad acts" of the defendant at least 21 days prior to trial. (See L.R. 117.1A(4)(b)). Specifically, the Government will provide the following: (a) the date, time, and place of each alleged crime or act; (b) a general description of each alleged crime or act; (c) a list of documents or other physical evidence upon which the government intends to rely in support of the alleged crime or act; and (d) the relevance, or "special grounds" of the prior crime or bad act.

3. Motion for Disclosure of Exculpatory Evidence (Dkt. #15)

¶¶ 1,2,6, and 12. The relevant information requested in paragraphs 1, 2, 6, and 12, limited in scope by Rule 16 of the Federal Rules of Criminal Procedure, Title 18, United States Code, Section 3500, and Rules 116.1(c) and 116.2 of the Local Rules, has been provided through automatic discovery. The Government recognizes its ongoing duty to disclose exculpatory material.

¶ 4. The Government, through automatic discovery, has provided the criminal record(s) for any witness whom the Government intends on calling in its case in chief. (See L.R. 116.1) The remainder of the Defendant's request in Paragraph 4 is overly broad, and pertains to non discoverable information. Accordingly, the Government declines to investigate, obtain, or produce such information. (See L.R. 116.6 (A))

¶¶ 5 and 11. These requests are overly broad. The Government declines to investigate, obtain, or produce information that is not discoverable. (See L.R. 116.6 (A))

¶¶ 3, 7, and 13. Paragraphs 3, 7, and 13, request information that, if relevant, will be provided twenty-one days before trial. (See L.R. 116.2)

¶¶ 14 and 15. The Government has provided, or will provide in accordance with the schedule set forth by the trial judge, all relevant statements as defined by 18 U.S.C. §3500(e) and Fed. R. Crim. P. 26.2(f).

¶ 16. The Government does not understand the nature of the information sought in paragraph 16.

4. Motion for Discovery and Inspection (Dkt. #19)

¶¶ 1, 2, 3, 4, 5, 6, 7, 8, and 9. The requests set forth in paragraphs 1, 3, 4, 5, 6(g), 7, 8, and 9 are covered by the local rules governing discovery. (See L.R. 116.1, 116.2, and 116.3 ). Accordingly, the Government either has already provided the relevant information or will do so twenty-one days prior to trial.

¶ 2. Paragraph 2 does not apply to this Defendant since there are neither co-defendants in this case nor an indictment for conspiracy.

¶ 6. Law enforcement agencies investigating this case did not employ any of the investigatory techniques described in Paragraph 6(a-f) in this case.

Respectfully submitted,  
MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By: s/ Paul Hart Smyth  
Paul Hart Smyth  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
October 6, 2004

I, Paul Hart Smyth, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by mail on Alan Black, Esq., 1383 Main Street, Springfield, MA 01103.

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Paul Hart Smyth  
Assistant U.S. Attorney

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